

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 11, 1947

10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

The application of VIVIEN BURNHAM FALLWELL, 1623 Willow Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1947 Model, Motor No. 11705042, State License No. JC-4071, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LEON GARFIELD COX, Colored, 2110 East 16th Street, for a license to operate as a taxicab a 4-door Mercury Sedan, 1941 Model, Factory No. 99A247972, State License No. ET-2512, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LOUIS MARION SMITH, 1102 Flores Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LYMAS MEDLOCK, Colored, 1166 Waller Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The appeal of GARVIN JOHNSON, Colored, 1204 Cotton Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Thornberry that appellant be granted a 90-days probationary permit, and that he report to the Chief of Police once a week in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of PIK-NIK NO. 2, 1920 South Congress Avenue, by W. D. Ellard, George T. Ramsey, and R. E. Pecot, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of BEST YET CAFE, 1812 East 6th Street, by Jake B. Lucas and W. C. Daugherty, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE IMPROVEMENT OF A PORTION OF WILLOW STREET FROM THE EAST PROPERTY LINE OF WALLER STREET TO THE WEST PROPERTY LINE OF NAVASOTA STREET, IN THE CITY OF AUSTIN, TEXAS; AND DIRECTING THE PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS BE PREPARED AND FILED; AND DIRECTING AN ESTIMATE OF THE COST OF SUCH IMPROVEMENTS BE DELIVERED AND FILED; AND AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF SUCH IMPROVEMENTS.

The ordinance was read the second time and Councilman Thornberry moved that the ordinance be passed to its third reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was then laid over for its third reading.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON A PORTION OF A CERTAIN 2.633 ACRE TRACT OUT OF J. P. WALLACE LEAGUE FACING ON WEST 51ST STREET BETWEEN GEORGETOWN ROAD AND GUADALUPE STREET; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B-1" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOT 13, LONGVIEW TERRACE; AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOT 7, HANCOCK PARK ADDITION, OUTLOT 22, DIVISION C; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The Mayor then announced that the ordinance had been finally passed.

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 85.91 ACRES OF LAND, BEING A PORTION OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, AND ALSO 160.88 ACRES OF LAND, BEING A PORTION OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, ALL OF WHICH LAND AND TERRITORY LIE ADJACENT TO AND ADJOINING THE PRESENT LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS, AND BY AMENDING SECTION 22(d) OF ARTICLE IV RELATING TO THIRTY MINUTE PARKING ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 8 (a)1, of said Ordinance RELATING TO THIRTY MINUTE PARKING METER ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Mayor Miller moved that the application of Ted Deison for a change in zoning, from "A" Residence District to "C" Commercial District, of a portion of Lot 11, Block B, Jas. E. Bouldin Addition, located in the 700 block of the Fredericksburg Road, facing east, final action on said application having been pending since June 12, 1947, be granted; and the City Attorney be instructed to prepare the ordinance making the change effective.

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved
its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with W. E. Wilson for the laying of certain water mains, sanitary sewer mains, and other pipes in W. E. Wilson Subdivision, in the City of Austin, Travis County, Texas, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and W. E. Wilson, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer,
W I T N E S S E T H :

I,

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Jeff Davis Avenue from Koenig Lane to Clay Avenue, a distance of approximately 338'; in Clay Avenue from Jeff Davis Avenue to the south line of a subdivision, a distance of approximately 450'.

Two-inch (2") cast iron water main in Clay Avenue from Jeff Davis Avenue approximately 125'; in Jeff Davis Avenue from Clay Avenue south approximately 210'.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

Six-inch (6") sewer mains in Koenig Lane from 150' east of the east boundary line of the W. E. Wilson Subdivision west to Lot #1; in Clay Avenue from 65' south of the south boundary line of the W. E. Wilson Subdivision north and east to east boundary line of the Subdivision; in Jeff Davis Avenue from the south boundary line of the Subdivision north to Clay Avenue.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Four Thousand Dollars (\$4,000.00) when completed, of which cost the sum of Two Thousand Dollars (\$2,000.00) is estimated to be the cost of the water lines and the sum of Two Thousand Dollars (\$2,000.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Four Thousand Dollars (\$4,000.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V); even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten(10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said W. E. Wilson has executed this the ____ day of _____, 1947.

CITY OF AUSTIN

By _____
City ManagerBY _____
W. E. Wilson

Attest:

City Clerk

Approved:

Director of Public Utilities

Director of Public Works

City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in JUSTIN LANE, from Georgetown Road to Woodrow Avenue, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said Justin Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in GUADALUPE STREET from Genard Street northerly 81 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Guadalupe Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in EAST 13TH STREET from a point 108 feet west of Saline Street westerly 25 feet, the centerline of which gas

main shall be 18 feet south of and parallel to the north property line of said East 13th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in DEPEW AVENUE from a point 35 feet north of East 45th Street southerly 43 feet, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said Depew Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in EAST 45TH STREET from Depew Avenue easterly 10 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 45th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in SPRING LANE from a point 113 feet north of Tower Drive northerly 135 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Springs Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in KERBEY LANE from a point 185 feet south of West 33rd Street southerly 66 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Kerbey Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in ELTON LANE, from a point 126 feet south of Griswold Lane southerly 60 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Elton Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in EAST 31ST STREET from a point 218 feet west of Red River Street easterly 58 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 31st Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear

from underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a public floating boat house on the property leased to J. W. Parks as listed in the Travis County Deed Records, and hereby authorizes the said J. W. Parks to construct, maintain, and operate this public floating boat house subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this public floating boat house after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations, and the right of revocation is retained if, after hearing it is found by the City Council that the said J. W. Parks has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" December 11, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have reviewed the plans and have considered the application of J. W. Parks, lessee of a piece of property abutting Lake Austin and listed in the Travis County Deed Records, for permission to construct and maintain a public floating boat house projecting out into Lake Austin approximately 50 feet.

I recommend that J. W. Parks be granted permission to construct and maintain said public floating boat house subject to the following conditions:

(1) That said floating boat house be securely anchored to the shore by heavy cable fastened to some permanent object located inland on this property.

(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

(3) That no structure shall extend into Lake Austin more than fifty (50) feet beyond normal high water or more than one-third the distance from shore to shore at point where structure is located, and not nearer than ten (10) feet to the side property or lease line.

(4) That said floating boat house be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The following applications for private boat licenses, duly approved by the Lake Austin Navigation Board, were submitted:

<u>Name of Owner</u>	<u>Description</u>
Nagle, Bob, Route 7, Box 34, Austin-	Wolverine, Outboard, Johnson, 6 years old, 5-passenger
Fox, William G., 203 West 19th Street	Wolverine, Outboard, Neptune 4-passenger

Councilman Bartholomew moved that the licenses be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

Pursuant to published notice thereof, the public hearing on the application of Dudley P. Prade to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "B-1" Residence District and Second Height and Area District, to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, Block 1, Walsh Place Addition, being the half block located on the north side of Enfield Road between Robin Hood Trail and Schulle Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change. Councilman Thornberry then moved that that the recommendation of the Board of Adjustment be sustained and the change granted; and the City Attorney be instructed to prepare the ordinance making same effective. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING A CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF AUSTIN, TEXAS, TUESDAY, FEBRUARY 10, 1948, FOR THE PURPOSE OF DETERMINING BY MAJORITY VOTE OF THE QUALIFIED VOTERS OF THE CITY OF AUSTIN WHETHER HOUSE BILL 34, PASSED AT THE REGULAR SESSION OF THE 50TH LEGISLATURE OF THE STATE OF TEXAS, AND ALSO KNOWN AS ARTICLE 1269m OF VERNON'S ANNOTATED CIVIL STATUTES, SHALL BE ADOPTED OR REJECTED; PROVIDING A PROCLAMATION AND NOTICE OF SAID ELECTION; AND DECLARING AN EMERGENCY", PASSED BY THE CITY COUNCIL DECEMBER 4, 1947, AND RECORDED IN BOOK "M", PAGES 703-707, INCLUSIVE, OF THE ORDINANCE RECORDS, BY ENACTING SAID ORDINANCE IN ITS ENTIRETY AND CHANGING THE DATE ON WHICH THE ELECTION SHALL BE HELD AS ORDERED BY SAID ORDINANCE; AND SUSPENDING THE RULE REQUIRING THIS ORDINANCE TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in accordance with the Laws of the State of Texas and the Charter of the City of Austin, the City Manager has filed the 1948 annual budget with the City Clerk on November 24, 1947; and

WHEREAS, in accordance with state law a public hearing on the annual budget is required, the hearing to be held not less than fifteen(15) days subsequent to the time the budget is filed with the City Clerk and prior to the time the City Council makes its tax levy; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to give public notice according to law of the hour, date and place of a public hearing on the 1948 annual budget now on file with the City Clerk, such hearing to be held at three o'clock P. M., Tuesday, December 23, 1947, in the Council Room, Municipal Building, in the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Mayor Miller submitted to the Council requests from citizens that the City establish a perpetual maintenance fund for Oakwood Cemetery. The matter was referred to the City Manager for a report on what the cost of setting up such a fund would be.

City Manager Morgan reported to the Council that it would be necessary to condemn the property of Fred Morris in Govalle as a site for the location of a sewage pump station. Mayor Miller moved that the City Attorney be instructed to start condemnation proceedings and to notify the said Fred Morris of the City's action. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

It was moved by Councilman Johnson that the City Attorney be instructed to prepare an amendment to the Taxicab Ordinance providing for the payment of fees quarterly, in the amount of \$9.00 per quarter. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southeast intersection of Chicon Street and East 7th Street extension, which property fronts approximately 95 feet on Chicon Street and 120.28 feet on East 7th Street extension and is known as a portion of Lot 2 of the H & T.C. Railroad Addition in Outlot 7, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Walter Bohn to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans ; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Walter Bohn has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 11, 1947

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Walter Bohn for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located at the southeast intersection of Chicon Street and East 7th Street extension, which property fronts approximately 95 feet on Chicon Street and 120.28 feet on East 7th Street extension, and is known as

a portion of Lot 2 of the H. & T. C. Railroad Addition in Outlot 7, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Walter Bohn and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer main exists on the east side of Chicon Street and also on the south side of East 7th Street extension adjacent to the above described property.

We recommend that Walter Bohn be granted permission to construct, maintain, and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of the Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-880.

(6) Expansion joins shall be constructed as shown upon the plan hereto attached marked 2-H-880 and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the northeast intersection of Springdale Road and East 1st Street, which property fronts 101.22 feet on Springdale Road and 130 feet on East 1st Street and is known as a portion of Lot 11, Block 2, of the E. H. Deets Estate out of the J.C. Tannehill League in the City of Austin, Travis County, Texas, and hereby authorizes the said W. A. Robinson to construct, maintain, and operate a drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said W. A. Robinson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
December 11, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of W.A. Robinson

for permission to construct, maintain, and operate a drive-in gasoline filling station, and to construct commercial driveways in conjunction therewith, upon property located on the northeast intersection of Springdale Road and East 1st Street, which property fronts 101.22 feet on Springdale Road and 130 feet on East 1st Street, and is known as a portion of Lot 11, Block 2, of the E. H. Deets Estate out of the J.C. Tannehill League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by W. A. Robinson, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that W. A. Robinson be granted permission to construct, maintain, and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils, or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at

the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-881.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-881, and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The Council considered the written proposal of the Austin Automobile Dealers Association, by Edwin Smith, to construct and donate to the City a miniature automobile race track, complete with an electric eye and standard equipment which would meet the standard set up by the National Miniature Automobile Association and contain the usual safety features, provided the City would furnish a suitable location on city recreational grounds, lighting facilities, maintain and supervise the track after completion, and erect a small plaque at some point on the track showing the said Association to be the donor. The City Manager reported that he would recommend placing the track in Zilker Park provided adequate public liability insurance is furnished covering both the automobile and airplane tracks, and the City not agree to furnish lighting facilities or the plaque. Action on the matter was postponed to the next regular meeting as no representative of the Association was present.

The following memorandum was submitted by the City Manager:

" December 11, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of W. E. Wilson Subdivision has been completed and was approved by the City Plan Commission on October 9, 1947. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as W. E. WILSON SUBDIVISION, approved by the City Plan Commission of the City of Austin on October 9, 1947, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

M. H. Crockett came before the Council and asked that the City dedicate Haywood Avenue, lying between Riverside Drive and Deaf & Dumb Institute, as a public street. He was advised to refer the matter to the City Plan Commission and the Director of Public Works, and comply with the requirements for streets in subdivisions before any action could be taken by the Council.

The following resolution was introduced:

(RESOLUTION)

WHEREAS, the following named persons owed delinquent taxes to the City of Austin; and

WHEREAS, the City Assessor and Collector has collected the amounts shown herein for the years indicated:

Hardy Davis	1944, 1945, 1946	\$ 29.53
Thomas Bellinger	1939 thru 1943, 1945, 1946	95.25
Ellis Nielson	1946	60.75
Charlie Swenson	1941 and 1945	.58
August Fox	1939, 1940, 1941 thru 1946	11.75
Cregg O. Bebee	1936, 1937, 1939, 1941 thru 1946	28.17
John C. Steadman	1939	5.40
Jimmie Burr	1944, 1945, 1946	56.35
Bob Nagle	1946	.63
Hardy Hollers	1945 and 1946	415.65
W. O. Fleming	1946	9.50
Charley E. Doyle	1946	1.18
		<u>\$714.94</u>

WHEREAS, on the above accounts penalties and interest in the sum of \$38.97 were collected; Therefore

BE IT RESOLVED BY THE CITY COUNCIL:

THAT the Tax Assessor and Collector be, and is hereby, authorized and directed to clear the above accounts as paid for all years indicated.

The resolution was adopted by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes: None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved:

Tom Miller.
MAYOR

Attest:

Helen M. Kellan

CITY CLERK